

Remarks:

Reconsideration of the application is requested.

Claims 1-10 remain in the application.

In item 2 on page 2 of the above-identified Office Action, claims 1-3, 6, and 10 have been rejected as being unpatentable over Yang et al. (U.S. Pat. No. 6,444,027) (herein referred to as "Yang") in view of Chu et al. (U.S. Pat. No. 6,217,724) (herein referred to as "Chu") under 35 U.S.C. § 103(a).

Applicants respectfully note that the Yang U.S. Patent No. 6,444,027 has an effective date as a reference of May 8, 2000. See 35 U.S.C. § 102(e). As evidenced by the Declaration Under 37 C.F.R. § 1.131 (enclosed herewith), the invention of the instant application was "reduced to practice" prior to Yang's effective date as a reference. The enclosed corroborating evidence (in both English and German) substantiates that the inventors invented and "reduced to practice" the claimed invention of the instant application prior to Yang's effective date as a reference. See MPEP § 2141.01. In fact, the enclosed Erfindungsmeldung (Invention Disclosure) was completed on March 21, 2000 in Germany, a WTO country. Yang's patent publication date of September 3, 2002 is subsequent to applicants' U.S. filing date of May 31, 2001 of the instant

" application. Because Yang is not a statutory bar and its effective date as a reference is after the date that the present invention was "reduced to practice," as evidenced by the Rule 131 Declaration enclosed herewith, applicants believe that Yang is unavailable as prior art.

Accordingly, applicants submit that a date of prior invention has been established and Yang is unavailable as prior art.

For the Examiner's benefit and further understanding of the Erfindungsmeldung (Invention Disclosure), applicants respectfully point out that the March 21, 2000 date (under "Datum der Ausfertigung") is the date the Invention Disclosure was written by the inventors; March 21, 2000 (under "Eingang am", in the upper box) is the date the Invention Disclosure was submitted to the inventors' superior; March 21 and 24, 2000 (in the box "d)" on the left hand side) are the dates the Invention Disclosure was recommended for a patent application.

Because Yang is not available as a reference and Chu is a secondary reference, which does not disclose the limitations of the claimed invention, applicants submit that the Section 103 rejection on page 2 of the Office Action is now moot and request that the Examiner withdraw the rejection of claims 1-3, 6, and 10.

Finally, applicants appreciatively acknowledge the Examiner's statement that claims 4, 5, and 7-9 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of claims 4, 5, and 7-9 is unnecessary at this time.

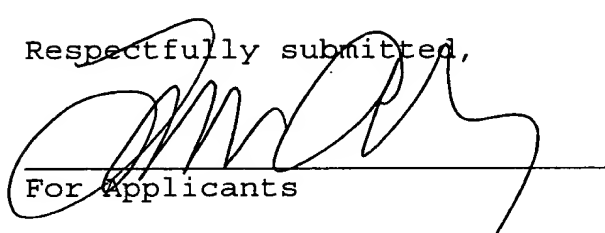
In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two (2) months pursuant to Section 1.136(a) in the amount of \$410.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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FDP/tk

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